

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
August 2-6, 1999

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-2	EX	75/076,733	Caswell-Massey Co., Ltd.	Hohein* Hairston Bottorff	Section 6 disclaimer requirement (of words ORIGINAL REMEDIES)	Refusal Affirmed		"DR. HUNTER'S ORIGINAL REMEDIES" [a line of apothecary products, namely, non-medicated skin soap, hair shampoo, bath gel, skin lotion, tooth paste, foot cream, hand cream, mouth wash and shaving cream]		Jenkins	No
8-3	EX	74/579,223	Mary Ann Walker	Cissel Seeherman* Hairston	whether applicant's mark is distinctive and, therefore, registrable under Sec. 2(f)	Refusal Affirmed		"1-800-636-3636" [preparing and placing radio, newspaper, and television advertising for others and providing an attorney referral service for others]		K. Wells	No
8-3	EX	75/117,565	Eran Industries, Inc.	Seeherman* Chapman Bottorff	2(e)(1)	Refusal Affirmed		"LEAFPROOF" [metal gutter covers having a water channel]		Wellington	No
8-3	OPP CANC	96,264 24,157	Trend-masters, Inc. v. Toymasters Inc.	Simms (D) Quinn* Chapman	2(d)	Opposition Sustained; Petition to Cancel Granted	"TRENDMASTERS" and "TRENDMASTERS" (and design) [both marks for a wide range of toy items]	"TOYMASTERS" [a variety of toys] and "TOYMASTERS" [designing and inventing toys, board games and play equipment for others]			No
8-4	EX	74/671,275	Cooper Tire & Rubber Co.	Simms* Cissel Quinn	2(d)	Refusal Affirmed		"ENFORCER" [automobile tires sold through large retail chains]	"ENFORCER" (and design) [mufflers, exhaust pipes, tail pipes, shock absorbers and mounting hardware therefor, all for land vehicles]	Oh	No

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8-4	OPP	101,322	United Technologies Corp.	Simms Walters Wendel*	2(d)	Opposition Sustained (but only as to opposer's marks "P&W" and "PW" for tools)	"P&W" and "PW" [tools, including drills, drill chucks and tools for abrasive use]; "PRATT & WHITNEY," "P&W," and "PW" [all three marks for engines for powering aircraft and replacement parts therefor]	"P&W" (and design) [synthetic diamond for abrasive use; hand-powered steel drills and chucks therefor]			No
8-4	EX EX EX	74/725,766 74/725,767 74/015,078	China Grill, Inc.	Simms Hairston Chapman*	2(e)(1); Section 6 disclaimer requirement (of words CHINA GRILL)	Refusal Affirmed (in all three cases)		"CHINA GRILL," "CHINA GRILL" (and shield design), and "AND ZEN SUM BY CHINA GRILL" (and design) [all three marks for restaurant and cocktail lounge services]		Kuhlke	No
8-4	EX	75/128,212	Gramaw, Inc.	Simms Hohein* Wendel	2(d)	Refusal Affirmed		"BEST BUDGET INNS" (and design) [motel services featuring restaurants]	"BEST INNS OF AMERICA" (and design) [motel services]	Baxley	No
8-4	OPP	103,744	Hygrade Food Products Corp. v. CRB Co.	Sams Seeherman Hairston*	2(d)	Opposition Sustained	"BALLPARK" [frankfurters and other processed food products]	"BALLPARK DRAFT" [beer]			No
8-5	EX	75/074,295	The Pennsylvania Globe Gaslight Co.	Hanak Walters* Wendel	whether applicant's mark is registrable on the Supp. Register [genericness]	Refusal Affirmed		"REPLICA GASLIGHTS" [outdoor and indoor gas and electric lighting fixtures; posts to support gas and electric lighting fixtures; gas mantles]		Wellington	No

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8-5	EX	75/085,689	ZD Inc.	Simms Cissel Walters*	2(e)(1); requirement under Sec. 2.61(b)	Refusal Affirmed (on both grounds)		"DIGITAL MERCHANDISING MAGAZINE" [printed publications, namely, magazines and newspapers and supplements thereto and sections thereof, and newsletters, brochures and pamphlets featuring information about distribution channels for high technology products and information technology and a wide variety of general interest information]		Thayer	No
8-5	EX	75/003,713	UMI Co.	Cissel Walters Chapman*	2(d)	Refusal Affirmed		"INFOSTORE" [obtaining article reprints, reports, documents and government records in an expedited manner, in subject areas requested by the customer]	"INFO STOR" (and design) [pickup, storage and delivery services for documents, files and computer media]	Shields	No
8-5	EX	75/095,247	Unum Corp.	Seeherman Walters Wendel*	2(d)	Refusal Affirmed		"TRANSITION DISABILITY" [disability insurance underwriting services; disability insurance administration; etc.]	"TRANSITION COVERAGE" [temporary medical insurance underwriting services]	Mays	No
8-6	EX	75/088,444	Spicers Paper, Inc.	Simms Chapman Bottorff*	2(d)	Refusal Affirmed		"SPICERS NORTHWEST PAPER" [commercial printing paper and envelopes]	"NORTHWEST" [coated and uncoated printing, writing, and converting paper]	Reihner	No

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8-6	OPP	94,671	Lone Star Steakhouse & Saloon, Inc. v. Cedar Hills Ribs, Inc.	Quinn Walters Chapman*	2(d)	Opposition Dismissed	"LONE STAR," "LONE STAR STEAKHOUSE & SALOON," and "LONE STAR STEAKHOUSE & SALOON" (and design) [all three marks for restaurant services and clothing]; "LONE STAR CAFÉ" (and design) [restaurant and night club services]	"LONE SPUR GRILL AND BAR" (and design)			No
8-6	EX	75/019,131	AUSA Financial Markets, Inc.	Cissel Hairston Bottorff*	whether applicant's specimens show service mark use of its mark in connection with its recited services	Refusal Affirmed		"PREMIER FINANCIAL SERIES" [providing administrative, advertising and marketing services for annuity contracts underwritten by affiliated life insurance companies]		Benmaman	No
8-6	EX	74/301,200	Helix Software Co., Inc.	Quinn Walters* Chapman	2(d)	Refusal Affirmed (as to both cited registrations)		"HELIX SOFTWARE CO." (and design) [computer programming services for computer users]	"DOUBLE HELIX" and "HELIX" [computer programs and program manuals, all sold as a unit, for use in data based management]	C. Butler	No

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8-6	EX	74/717,647	Armouth Int'l. Inc.	Simms* Seeherman Walters	2(d)	Refusal Affirmed (as to both cited registrations)		"WORLD VAGABOND" (and design) [men's underwear]	"VAGABOND" (in stylized lettering) [hats, coats, raincoats, suits, dresses, leather and fabric gloves, leather slippers, scarves, mufflers, neckties and sweaters]; "VAGABOND" [suits, dresses, jackets, skirts, overcoats, trousers, shorts, sweaters, cardigans, overalls, shirts, scarves, gloves and jeanswear, namely, pants, shirts and jackets made of denim; footwear; headwear]	Roppel	No
8-6	EX EX	74/196,304 74/802,601	C & D Technologies, Inc.	Simms Walters* Wendel	whether the specimens of record show trademark use of applicant's mark in connection with the goods identified in its applications; 2(e)(1)	Refusal Affirmed (as to both applications and on both grounds)		"SMART BATTERY" [lead-acid batteries for motive power applications]; "SMART BATTERY" [lead-acid batteries for electrically driven industrial material handling vehicles]		O'Hara	No

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8-6	EX	75/233,896	Jack Klein Trust Partnership	Seeherman Hanak* Quinn	2(d)	Refusal Reversed		"DELTA KING" (and design incorporating a steamship) [fresh vegetables]	"DELTA KING" [seeds for agricultural purposes, namely, corn, cotton, grain sorghum, oats, rice, rye, soybeans, and wheat]	Mintzer	No
8-6	EX (R)	74/677,635	Nett Designs, Inc.	Simms Seeherman Hohein*	Section 6 disclaimer requirement (of words THE ULTIMATE BIKE RACK)	Request for Reconsideration Denied (Refusal Affirmed)		"LOAD LLAMA THE ULTIMATE BIKE RACK" (and design) [carrying racks for mounting on bicycles, accessories for bicycle racks, namely attachments for expanding the carrying capacity of a carrying rack for mounting on bicycles, and bungee cords sold together as a unit with such carrying racks]		Wellington	No
8-6	EX EX	75/169,685 75/178,317	Virgin Records America, Inc.	Cissel Walters Chapman*	whether the specimens of record show use of applicant's mark for the services recited in its application; whether applicant's proposed identification of services is acceptable	Refusal Affirmed (in both cases on both grounds)		"SCARFACE" and "GETO BOYS" [both marks for entertainment services, namely, live performances as a musical group; <i>proposed amended recitation of services in both cases:</i> entertainment in the nature of a musical group]		Pasquine	No

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8-6	EX	75/131,147	EA Systems Inc.	Cissel Walters* Chapman	2(e)(1)	Refusal Affirmed		"PLANTBROWSER" [computer software, and manuals sold as a unit, for computer aided design, the design or engineering of industrial or manufacturing facilities, or data extraction, querying, searching or analysis]		G. Clark	No

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